2009 SENATE AGRICULTURE

SCR 4019

2009 SENATE STANDING COMMITTEE MINUTES

Bill/Resolution No. 4019

Senate Agriculture Committee

Check here for Conference Committee

Hearing Date: February 12, 2009

Recorder Job Number: 9364

Committee Clerk Signature

Minutes:

Sen. Flakoll opened the hearing on SCR 4019, a concurrent resolution urging Congress to examine carefully the known and potential impacts of implementing a national animal identification system.

Sen. Wanzek, district 29, testified in favor of the resolution.

Sen. Waznek- this was brought to my attention and we are working on a resolution to try to address it. There are some concerns with the national animal identification program and weather state law interrogates some of the mandated things. Also there are some valuable reasons why we want the identification system, so the resolution is before you and kind of speaks for itself.

Sandy Clark, ND Farm Bureau, testified in favor of the bill.

Sandy Clark- We do want to go on record as supporting the resolution.

Patrick Becker, testified on behalf of Allen Lund, see attached testimony attachment #1.

Lincoln Rynhilder, with the Dakota Resource Council, testified in favor of the bill. See attachment #2.

Keyle Spelee, read testimony on behalf of the ND stockmen's association, see attached testimony attachment #3.

Page 2 Senate Agriculture Committee Bill/Resolution No.4019 Hearing Date: February 12, 2009

Woody Barth, ND Farmers Union, testified in favor of the bill. See attached testimony attachment # 4.

Testimony was also submitted on behalf of **Charles and Donna Kurszewski**, see attachment #5.

No opposition to the resolution.

Sen. Wanzek passed out proposed amendments to the bill, see attachment #6.

Sen Wanzek motioned to adopt amendments and was seconded by Sen. Taylor, 7 yea 0 nay 0 absent. Sen. Wanzek motioned for a Do Pass as amended and was seconded by Sen Klein, 7 yea 0 nay 0 absent. Sen. Taylor was designated to carry the bill to the floor. Sen. Flakoll closed the hearing.



PROPOSED AMENDMENTS TO SENATE CONCURRENT RESOLUTION NO. 4019

Page 1, line 15, remove "small"

Page 1, line 16, replace "the" with "production" and remove "of meat, whether it will truly make food safer"

Page 1, line 23, remove "and on consumers domestically and"

Page 1, line 24, remove "internationally"

Renumber accordingly



Date: 2.12.09
Roll Call Vote #: 1

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES BILL/RESOLUTION NO. 4019

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Date: 2-12-09 Roll Call Vote #: Z

2009 SENATE STANDING COMMITTEE ROLL CALL VOTES BILL/RESOLUTION NO. 4019

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Module No: SR-30-2836 Carrier: Wanzek

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REPORT OF STANDING COMMITTEE

SCR 4019: Agriculture Committee (Sen. Flakoli, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4019 was placed on the Sixth order on the calendar.

Page 1, line 15, remove "small"

Page 1, line 16, replace "the cost of meat, whether it will truly make food safer" with "production costs"

Page 1, line 23, replace the first comma with "and" and remove "and on consumers domestically and"

Page 1, line 24, remove "internationally"

Renumber accordingly

2009 HOUSE AGRICULTURE

SCR 4019

2009 HOUSE STANDING COMMITTEE MINUTES

Bill/Resolution No. 4019

House Agriculture Committee

Check here for Conference Committee

Hearing Date: March 19, 2009

Recorder Job Number: 11285

Committee Clerk Signature

Signature & Max

Minutes:

Senator Wanzek, Sponsor: This resolution asking Congress to take into consideration the impact a national animal identification system has on the producer. It is also encouraging that a voluntary participation be maintained in the federal animal identification system.

Cindy Klein, Dakota Resource Council: (Written testimony attached #1)

Representative Mueller: In your testimony, you reference Country of Original Labeling. How does not doing this impact that concept?

Cindy Klein: With the National Identification System, you can only track that animal to slaughter. Once it is at the slaughterhouse and slaughtered there is no way to trace it back. The tag is gone. With back tagging, the tag does follow the animal through. But it is unrelated to Country of Origin Labeling which would track where an animal is raised, fed, or processed and then bring that information back to the consumer.

Representative Mueller: "Unrelated." Help me understand that better.

Cindy Klein: The National Animal ID System would track only the animal to slaughter.

Country of Origin Label follows that path after slaughter and through processing right to your grocery case or your kitchen table.

House Agriculture Committee

Bill/Resolution No. 4019

owner to track.

Hearing Date: March 19, 2009

Representative Holman: In my district I have a 3200 head feedlot with multiple ages. What

would be the responsibility of that operator as a result of NAIS?

Cindy Klein: That tracking system would begin the day that animal left the farm and it would have an electronic identification tag that would follow that animal. At the sale barn they would have a wand that would read that animal. If you switch to a different pasture, you have to track that. Every movement that the animal would make would be your responsibility as a feedlot

Representative Froelich: I've been involved in an ID system. There are a lot of misconceptions out there. Our cost has been \$2/head. That tag is in that animal forever. We can get data back. We are worried about how it is going to be used and misused. Let me give you a scenario. Let's say everyone on this committee had a black steer calf. We hauled it to the local sale. We each got our own check. The one sold to Texas dies. There is no brand. They diagnosed it was foot and mouth. How are we tracking that animal?

Cindy Klein: You're saying a series of cattle went through a sale barn. A steer was sold to a Texas buyer and died. No branding? No bangs vaccination? I don't know what happens at the sale barn--what kind of registration papers go with that animal. My guess is that if it is going to go to slaughter, that the back tagging program would help in tracing it back.

Representative Froelich: Feeder cattle are not back tagged. Cows are back tagged. What is going to be our solution?

Cindy Klein: I think that belongs within the state. We don't think some big national program in a huge data base that tracks every single movement in livestock and requires you as a rancher to identify every animal is the answer. We have a lot of programs in place already. It should be up to individual states.

Representative Froelich: What is the real fear?

House Agriculture Committee

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Hearing Date: March 19, 2009

Cindy Klein: People are afraid that the wrong people are going to get their hands on the information. It's another government program being shoved down the throats of cattle producers.

Representative Froelich: I think it's a fear that somebody knows about your business. I'm also looking at the other side. How are we going to track the TB case or the foot and mouth case?

Cindy Klein: I also think there is a fear that a food born disease like ecoli or salmonella is going to get traced back to the farm instead of the slaughterhouse or restaurant where the food was mishandled.

Woody Barth, ND Farmers Union: (Written testimony attached #2 for Richard Schlosser): We need to be proactive. We want USDA to control it and not Homeland Security Dept. If Hoof and Mouth does come to the United States we need to be ready for it.

A disease outbreak would be devastating. The fear of information getting to the wrong people: I am also a crop producer and I took my maps in the other day so they know exactly what I have.

Vice Chairman Brandenburg: Where is the reward to the producer for the cost of implementing?

Woody Barth: We want to make sure the government bears the majority of the cost. Disease outbreak would be even more devastating.

Representative Froelich: In answer to Representative Brandenburg's question, we've done the 17-digit ear tag. We have some oriental countries that want cattle under a certain age. We have to certify the birth date range. When we marketed our cattle last year, we may have gotten a premium for doing that. When you start forcing people, you start running into problems. The industry needs to be able to draw the guidelines.

House Agriculture Committee

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Hearing Date: March 19, 2009

Woody Barth: North Dakota Farmers Union is a member of a five state Farmers Union

Enterprise that process dead animals. Now we have to verify the age of dead animals to

process those animals for byproducts. They have to be verified under 30 months of age.

Those over 30 months of age go through a different process.

Jeri Lynn Bakken, Adams County, ND: (Written testimony attached #3)

Representative Froelich: You have the scrapie program for sheep. It is a mandatory

program. What does it cost?

Jeri Lynn Bakken: Nothing.

Representative Froelich: So if you had a beef program that cost nothing. Would you

participate?

Jeri Lynn Bakken: Not in the program as currently written under the National Animal

Identification System. The scrapies program is a simple program. I get a farm number and I

get a box of tags sent to my place. Every time a ewe leaves my place over 9 months of age, I

put on this little plastic tag. They all have the same number. That number corresponds back

to my ranch. The National Animal Identification System is way more cumbersome. Each

animal has its own number. Each of those numbers has to be coordinated with the date of

birth, etc. My ranch is one premise under the scrapies program. Under the NAIS, you would

have a separate premise for each pasture that doesn't border the other. When moving to

another pasture, that movement has to be recorded within 24 hours and reported.

Representative Froelich: If we had a program for beef similar to the scrapies program, would

you still object to it?

Jeri Lynn Bakken: If it is very similar to scrapies, yes, that would be a possibility. However,

that is not what USDA and members of Congress are proposing right now.

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Julie Ellingson, ND Stockmen's Assn.: (Written testimony attached #4a)

(Attachment #4b—Animal ID Program)

trace back system not a food safety system.

There are about 14,000 premises in North Dakota. Our association with the Board of Animal Health has registered 8,300 of them. The majority were registered during the brand renewal process. Those that wanted to participate could register their premise for free with the association picking up the costs. We've advocated that transfer of liability along with the transfer of ownership of the animal. A calf can have many different homes in the course of its lifetime. The government needs to bear a large percentage of the cost. NAIS is an animal

Representative Vig: The NAIS has not been voted on in Congress yet? Is it going to be set up in USDA or is it Homeland Security?

Julie Ellingson: Right now they have a system in place but there is some legislation pending about changing the nature of that. That is why it is very important that this body identify what our concerns and priorities are and send a strong message. Initially it was set up in a three-phase process.

- 1. Premise Registration
- 2. Individual animal identification registration
- 3. Animal tracking

We are a long way from the third step. We are still on Premise Registration.

Vice Chairman Brandenburg: In my district I have a lot of cowboys. They want to know where the reward is.

Julie Ellingson: That is why it is a good thing this is a voluntary program and sending a strong message to Congress that we want to keep it that way will help.

Opposition: None. Chairman Johnson closed the hearing.

2009 HOUSE STANDING COMMITTEE MINUTES

House Agriculture Committee

Check here for Conference Committee

Hearing Date: March 19, 2009 (Committee Work)

Recorder Job Number: 11289

Committee Clerk Signature

Minutes:

Representative Vig: Seconded.

A Roll Call vote was taken. Yes: 11, No: 0, Absent: 2, (Representatives Belter &

Representative Mueller: Moved Do Pass and place on the consent calendar.

Froelich).

Representative Froelich will carry the bill.

Date:	3/19/09
Roll Call	Vote #:
2009 HOUSE STANDING COMMITTEE ROBILL/RESOLUTION NO.	CALL VOTES

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REPORT OF STANDING COMMITTEE (410) March 19, 2009 2:09 p.m.

Module No: HR-50-5387 Carrier: Froelich Insert LC: Title:

REPORT OF STANDING COMMITTEE

SCR 4019, as engrossed: Agriculture Committee (Rep. D. Johnson, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed SCR 4019 was placed on the Tenth order on the calendar.

2009 TESTIMONY

SCR 4019

February 12, 2001

Mr. Chairman and Honorable Members of the Committee.

My name is Allen Lund.

I own and operate a cow/calf operation near Selfridge, ND.

I am in support of Senate Concurrent Resolution 4019.

I would also ask for your support on this resolution.

Shortly after the terrorist attacks on September 11, 2001, the United States Department of Agriculture (USDA) began plans to implement a national animal identification system (NAIS). Their first mistake was to try and shove a mandatory program down the throats of livestock producers with no regards to what the ramifications or the costs to these producers would be. Groups like the National Cattlemen's Beef Association and their affiliates as well as ear tag companies jumped on board immediately in an attempt to make a quick buck. The first step of the program was to get producers to register for a premises ID number. The second step would be to force every producer to place an electronic ID tag on their livestock. Since then the USDA has spent millions of dollars in an attempt to get this program implemented. Much of the money spent was given to various livestock organizations in an attempt to get their members to register their premises. Many of these organizations used deceptive practices to entice their members to do so. Later the USDA was forced to allow producers to opt out of the program due these deceptive practices.

The National Animal Identification System has gone from being a mandatory program to a volunteer program and now the U.S. Congress is working on making it a mandatory program again. To date; after years of research and millions of dollars the USDA is no closer to a workable solution than they were in 2001.

Don't get me wrong. I am not against a workable trace back system to identify livestock in the event of a disease outbreak, be it natural or an act of terrorism. I am against a program that someone wants to force upon me that will benefit profiteers over the best interests of my industry. If a National Animal Identification System is to be successful in this country; the USDA has to sit down with livestock producers, grassroots livestock organizations, State Veterinarians, and State Boards of Animal Health, and implement a program that is workable and in the best interests of everyone. Just a few of the many issues that need to be addressed are: A cost analysis has to be done, confidentiality has to be guaranteed to the producer, and the producer has to be exempt of any liability that may be placed upon him due to this program.

If there are any doubts in your minds, I would urge you to take a look at the National Animal Identification System that Australia has shoved down their producer's throats. Their cost to the producers is over \$30.00 per animal, the record keeping system is in a shambles, and to put it mildly the producers wish they would have never seen such a system.

I would ask again that you support this resolution

Allen Lund (701) 422-3747 1967 Hwy 24 Selfridge, ND 58568





Dakota Resource Council

"Organizing North Dakotans Since 1978"
P.O. Box 1095~ Dickinson, ND~ 58602-1095
701-483-2851
www.drcinfo.com

DAKOTA RESOURCE COUNCIL TESTIMONY IN SUPPORT OF SCR 4019 Senate Agriculture Committee February 12, 2009

Senator Flakoll and members of the committee, thank you for the opportunity to testify in support of Senate Resolution 4019 urging Congress to examine carefully the known and potential impacts of implementing a National Animal Identification System.

The U.S. Department of Agriculture (USDA) is actively working to require all U.S. livestock owners to register their private property –their premises – in a national premises registry under the National Animal Identification System (NAIS).

NAIS has not been approved by Congress, and although USDA publically says that premises registration under the NAIS is voluntary, the agency recently mandated premises registration for U.S. livestock & poultry owners if:



- Activities are performed on their property by a State or Federal animal health authority or accredited veterinarian for any regulated disease; and,
- When Federal funds are used to support USDA animal disease programs.

USDA's new policy effectively makes the NAIS and its mandatory premises registration compulsory. USDA has attained this achievement unlawfully because it did not first conduct a rulemaking to amend its animal disease regulations, which currently do not require premises registration.

USDA's forceful efforts to implement premises registration under NAIS are being conducted without congressional authority, in contradiction of current regulations, in violation of the agency's rulemaking obligations, and in violation of the private property rights of U.S. livestock owners.

The effect of this requirement is that premises registration under NAIS is now mandatory for persons engaged in interstate commerce and who participate in any one of the dozen or more regulated disease programs, despite APHIS' (Animal and Plant Health Inspection Service) express promise to the industry and to Congress that the NAIS would remain a voluntary system.

APHIS canceled its original memo on Dec. 22, 2008, because it was deemed improper for APHIS to establish a standardized premise identification number. That cancellation notice contained a new memo (No. 575.19) and again, APHIS abused its own rules by unlawfully mandating the use of a Premise Identification Number in the administration of federal disease program. So, like the first

memo, the second also was issued without public notice or opportunity to comment, as required by the Administrative Practices Act.

We must send a strong message directly from North Dakota and its livestock producers to USDA and Congress that these strong-arm tactics will not be tolerated.

Initially pitched as a disease tracking and trace back security program, NAIS' actual intent is more frightening. NAIS will hijack existing, well-functioning disease response and brand inspection programs run by individual states, while putting more burdens, through cost and liability, on the shoulders of already cash strapped producers and famers.

Furthermore, this program does nothing to serve as a food safety issue for consumers or a disease prevention system for producers.

As proposed, the NAIS is a disease management, not a disease control program. Such a program would not prevent disease, but only be able to track the disease once it is found in the U.S. We have that traceability currently available in North Dakota with its branding system for cattle and horse producers.

The proposed NAIS system does NOT address the import inspection and practices of livestock, nor does it implement additional safeguards at meat processing plants. Furthermore, this program does not provide any additional information to consumers, such as the country where the animal was born, fed or processed.

Many think that USDA's objective is to eventually privatize the animal tracking information for NAIS. USDA is establishing the system using a metadata layer (portal) architecture. Literally, metadata means "data about the data." The metadata portal will not hold records directly from producers, markets or other stakeholders. Instead, each participating data base system will provide the metadata portal with the list of Animal ID numbers and Premise ID numbers they have stored. If a number needs to be traced, the metadata system will submit a request to participating databases that hold the records for that specific animal or premise.

The safety of this information is of utmost importance for the livestock production industry. If the data were to be released, it would give packers and other competitors access to proprietary information that is essential to the operation of the individual farm or ranch. Currently although North Dakota has passed an exemption to its open records access to this information there is not an exemption in place at the federal level.

Livestock producers, who will bear the burden under NAIS, are not the source of most food-borne illnesses. These illnesses are from bacteria such as salmonella, e. coli, and campylobacter, or the Norwalk viruses, which contaminate food due to poor practices at slaughterhouses or in food handling.



The NAIS would do nothing to prevent these problems from occurring. Moreover, because the tracking would end at the time of slaughter, the NAIS would not improve the government's ability to trace contaminated meats once they leave the slaughterhouse and enter the food chain.

NAIS is also not an effective control for BSE, or "Mad Cow Disease," even though NAIS affects live animals. BSE is believed to be caused by feeding infected animal material to cattle. So the key to addressing it is prevention of this practice through a strong feed ban. The second key to addressing Mad Cow disease is testing all or a significant percentage of the animals that enter the food supply, as is done in Japan and Europe. The USDA currently tests only about one out of every thousand slaughtered cattle and it has opposed increased testing, whether government or private.

The concept of tracking every movement of every livestock animal in massive databases may sound impressive, but it is not founded in sound science, economics, or practicality. USDA has not provided any studies showing why 48-hour traceback is "optimal" nor why 100% of animals must be included. The susceptibility of animals to disease and the likelihood of transmission differ greatly depending on the species of animal, the exact disease, and the conditions under which the animals are kept.

Therefore, it is obvious that a "one size fits all" solution cannot be based on science. USDA as yet has failed to complete a cost-benefit analysis, despite four years of implementing the program. Moreover, the experience of Australia, the only other country to implement mandatory electronic tracking of cattle so far, indicates that the databases are unwieldy and unworkable.

The General Accountability Office's 2005 report on agroterrorism and livestock disease made it clear that parts of the U.S. animal health system needed improvement, but did not identify a need for increased tracking of live animals. No need has been demonstrated for NAIS.

A resolution passed by the North Dakota Republican party states: "We do not believe it is the role of the federal government to mandate or encourage producers to "sign up" their ranch or farm with a government program (premise registration/NAIS)" and further states that it "strongly supports individual property rights and therefore encourages individual livestock owners to make independent decisions about the identification of their livestock. The Republican Party of North Dakota opposes any mandatory registration of premises and animal identification system, as it infringes on personal property rights and has no proven means of preventing any disease or the spread of any disease."

We agree with that resolution and again ask this committee and the North Dakota State Legislature to send a strong message to USDA and Congress regarding a National Animal Identification System.

Thank you.



C. Salle and

Cattle

NFO MEMBERS LIVESTOCK, INC.

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JUN-07-2007 THU 05:49 PM Long Prairie Packing

FAX NO. 3207322914

P. 03

Long Prairie Packing Co. Inc. Lineup Kill Report

13:25:18 Date : 06/06/2007 Lot : 07060618 Wha : 1

Comments for Rev Rpt 278387 : Payer 655000 - NFO MEMBER LIVESTOCK INC

TAG 0543 CONDENSED FOR EMACIATION TAG 0542 CONDENSED FOR EMACIATION TAG 0540 CONDENSED FOR EPITHELIONA TAG 0656 CONDENSED FOR EPITHELIONA

Attachmenz # 3

North Dakota

STOCKMEN'S

BISMARCK, NORTH DAKOTA 58504 Ph: (701) 223-2522 Fax: (701) 223-2587 e-mail: ndsa@ndstockmen.org www.ndstockmen.org

SCR 4019 Testimony

Good morning, Chairman Flakoll and members of the Senate Agriculture Committee. For the record, my name is Julie Ellingson and I represent the North Dakota Stockmen's Association.

The North Dakota Stockmen's Association's policy regarding the National Animal Identification System has many of the same components as SCR 4019, supporting a costeffective means to conduct 48-hour disease traceback that is voluntary and utilizes existing identification systems such as the time-honored brand inspection and recording programs.

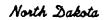
As the National Animal Identification System was initiated and as it has evolved, many different philosophies and approaches have been discussed about how to make it the most effective. The dialogue and the implementation process, however, has led to some confusion and many unanswered questions by producers. As a new administration takes over, more changes could result, so we support clarifying our priorities and concerns and that producers need to be actively involved in the development of this system if it grows or changes.

Today, NAIS in North Dakota simply involves premises registration, which the Stockmen's Association, as the state-designated NAIS administrator, conducts in concert with the State Board of Animal Health. The information collected includes a producer's

contact information, species raised and, in some cases, if a 911 address is not available, global positioning coordinates. The information is used for animal disease traceback purposes only, is held in confidence and is safeguarded under privacy protection statute this body enacted a few sessions ago.

For the clarification purposes, our association would suggest a few changes to the resolution's "Whereas" beginning on line 14. Because the National Animal Identification System has implications, both positive and negative, on all producers, large and small and everything in between, I'd suggest striking the word "small." Furthermore, the NAIS is intended to be a program for animal traceback, not food safety surveillance. As an animal agriculture advocate, I would not want someone to think that having the NAIS in place makes their food safer or less safe, cheaper or more expensive, when this program really has nothing to do with food safety. If you are agreeable, then the sentence could be consolidated to read, "Whereas, concerns still exist regarding the effect that a national animal identification system will have on producers and whether it will create a large government bureaucracy."

The only other suggestion I'd have would be on lines 23 and 24. The National Animal Identification System, again, is designed as an animal disease traceback program, and the information involved will be provided by producers and utilized by animal health officials only, not consumers. I'd recommend striking the consumer reference so as not to confuse NAIS with country-of-origin labeling or another food labeling program.



STOCKMEN'S ASSOCIATION

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www.ndstockmen.org

With those changes, the North Dakota Stockmen's Association supports SCR 4019 and we'd ask for your favorable consideration of it.

Attachment#4



PO Box 2136 • 1415 12th Ave SE Jamestown ND 58401 800-366-8331 • 701-252-2341 www.ndfu.org

February 12, 2009

SCR 4019

Chairman Flakoll and members of the Senate Agriculture Committee,

My name is Woody Barth; I am here representing North Dakota Farmers Union. I stand in favor of SCR 4019.

North Dakota Farmers Union believes a vast array of issues have not been addressed in the discussion of developing a national animal identification system. These issues must be settled. Congress, the Administration and the industry must resolve the following concerns before further promulgation or implementation of a verifiable national animal identification program. The program must:

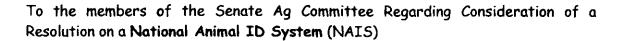
- Have the least possible cost to producers;
- Encourage full participation and shared responsibility throughout the industry;
- Provide adequate liability protection firewalls including, but not limited to, an exemption from the Freedom of Information Act;
- Be conducive to the collection of data that will be compatible with, and complementary to, the country of origin labeling (COOL) law;
- Can release information only on confirmed cases of animal health problems and is necessary for an animal to be traced;
- Establishes an educational component within the program to educate producers on animal identification; and
- Provides for animal identification records to be maintained only by USDA, administered and maintained by state boards of animal health and not by private organizations

Thank you, Chairman Flakoll. I will stand for any questions you may have.

Land 4

AHachment H5 4019

Feb. 10, 2009



Senators, please excuse my absence and having to rely on this being presented to you by another party. Family medical issues and my work make it impossible to be here today. I trust, however, that my words may be taken to heart even though I am not here to present them.

For the past number of years, my wife and I have been aware of the push for a nationwide system of tracking animals. My wife, Donna, has especially researched and followed this issue through national sources. I come about it more as a result of her investigations. Nevertheless, what we have encountered should give everyone a reason to stand up and take notice, whether one is a large livestock producer or a backyard hobbyist.

The evolution of the NAIS concept is something that must be considered. Remember that proponents of it first came out with the grandiose plan of tagging and tracking <u>every</u> animal. They since have modified their proposals from bureaucratic nightmare to simply administrative catastrophe.

Rather than employing a new nationwide system by an agency that already is hard pressed to maintain its own inspection system... remember, food safety is the battle cry here, it would be more advisable to require the USDA and related agencies to prove they can do their jobs as presently mandated instead of taking on more responsibilities.

It should be noted that NAIS keeps appearing on the radar screen. Some states have already buckled under the pressure and are mandating Premise Registration - which essentially constitutes a license to farm - as a first step to this program. States are enticed and willingly participate, lured by federal dollars that reward them for complicity with the program. Individual farmers and ranchers are coerced with threats of closed markets. Children are prohibited from participation in 4H and state and county fairs, their parents enticed with free vise-grip tools in order to increase Premise Registration of family owned ranches.

While I commend you on your willingness to take up this resolution to voice your concerns over this NAIS issue, allow me to wax prophetic. In the future you may well be faced with the need for stronger measures against unelected and unaccountable 'special' interests that promote bureaucratic policy which will



increasingly challenge small and medium family farm operations in the State of North Dakota.

We believe the forces that are constantly pushing NAIS, whether they be corporate interests or simply the push for more federal control at the expense of individual freedoms, are not motivated by concerns for food safety. Rather, it is an issue of control. One only needs to look at the implementation of similar systems in other countries to see that large interests benefit while smaller operations are plowed under.

If small communities are to exist and attempt to thrive in these difficult times, it is essential not to fall prey to the false promises of global markets and increased returns by adding another level of expense and obligation to the cattlemen and small livestock operations of our State.

The USDA has already proven it struggles with meeting its present obligations. Let's not over tax it with more responsibilities which, as recent history has shown, will sooner or later be handed over to the private sector. And who do you think will be waiting in the wings for that opportunity? It will be the corporate ag industry that has the most to gain from centralized control.

We do not take this issue, lightly, and ask that you pass this resolution with firmness and conviction. As said earlier, this will not be the last you will see of it. In the future, you may well have to take an even tougher stand to protect the interests of those your represent.

Thank you for giving us the time to present our views on this issue and hope you will take what has been said into consideration.

Charles and Donna Kurszewski Emmons County, North Dakota



Dakota Resource Council

"Organizing North Dakotans Since 1978"
P.O. Box 1095— Dickinson, ND— 58602-1095
701-483-2851

www.drcinfo.com

Condy Klein

DAKOTA RESOURCE COUNCIL TESTIMONY IN SUPPORT OF SCR 4019

Chairman Johnson and members of the committee, thank you for the opportunity to speak in support of Senate Resolution 4019 The resolution urges Congress to examine carefully the known and potential impacts of implementing a National Animal Identification System.

My name is Cindy Klein and because it is calving season I am speaking today on behalf of Dakota Resource Council's cow/calf producers. They wanted to be here to speak for themselves but it is hard to get away during this part of the year.

First of all, I would like to thank Senator Terry Wanzek and the other legislators for their sponsorship of this important resolution. Independent cattle and other livestock producers in North Dakota appreciate it very much.

The U.S. Department of Agriculture (USDA) is actively working to require all U.S. livestock owners to register their private property –their premises – in a national premises registry under the National Animal Identification System (NAIS).

Although NAIS has not yet been approved by Congress, there are bills that are pending that will make this program mandatory. Previously, the USDA publically stated that premises registration under the NAIS will be voluntary. This is no longer the case. Prior to introduction of these animal identification bills, the agency recently mandated premises registration for U.S. livestock & poultry owners if:

- Activities are performed on their property by a State or Federal animal health authority or accredited veterinarian for any regulated disease; and,
- When Federal funds are used to support USDA animal disease programs.

USDA's new policy effectively makes the NAIS and its mandatory premises registration compulsory. USDA has attained this achievement unlawfully because it did not first conduct a rulemaking to amend its animal disease regulations, which currently do not require premises registration.

USDA's forceful efforts to implement premises registration under NAIS are so far being conducted without congressional authority, in contradiction of current regulations, in violation of the agency's rulemaking obligations, and in violation of the private property rights of U.S. livestock owners.

The effect of this requirement is that premises registration under NAIS is now mandatory for persons engaged in interstate commerce and who participate in any one of the dozen or more regulated disease programs, despite APHIS' (Animal and Plant Health Inspection Service) express promise to the industry and to Congress that the NAIS would remain a voluntary system.

APHIS canceled an original September memo on Dec. 22, 2008, because it was deemed improper for APHIS to establish a standardized premise identification number. That cancellation notice contained a new memo (No. 575.19) and again, APHIS abused its own rules by unlawfully mandating the use of a Premise Identification Number in the administration of federal disease program. So, like the first memo, the second also was issued without public notice or opportunity to comment, as required by the Administrative Practices Act.

We must send a strong message directly from North Dakota and its livestock producers to USDA and Congress that these strong-arm tactics will not be tolerated.

Initially pitched as a disease tracking and trace back security program, we think that NAIS' actual intent is more frightening. NAIS will hijack existing, well-functioning disease response and brand inspection programs run by individual states, while putting more burdens, through cost and liability, on the shoulders of already cash strapped producers and famers.

Furthermore, this program does nothing to serve as a food safety issue for consumers or a disease prevention system for producers. Food safety issues must be addressed during slaughter, packing and processing, not on the farm.

Livestock producers, who will bear the burden under NAIS, are not the source of most foodborne illnesses. These illnesses are from bacteria such as salmonella, e. coli, and the Norwalk viruses, which contaminate food due to poor practices at slaughterhouses or in food handling.

NAIS would do nothing to prevent these problems from occurring. Moreover, because the tracking would end at the time of slaughter, the NAIS would not improve the government's ability to trace contaminated meats once they leave the slaughterhouse and enter the food chain.

As proposed, the NAIS is a disease management, not a disease control program. Such a program would not prevent disease, but only be able to track the disease once it is found in the U.S. We have that traceability currently available in North Dakota with its branding system for cattle and horse producers.

The proposed NAIS system does NOT address the import inspection and practices of livestock, nor does it implement additional safeguards at meat processing plants. Furthermore, this program does not provide any additional information to consumers, such as the country where the animal was born, fed or processed.

The safety of ranch-related information is of utmost importance for the livestock production industry. If any of the compiled data were to be released, it would give packers and other

competitors access to proprietary information that is essential to the operation of the individual farm or ranch. Currently, although North Dakota has passed an exemption to its open records laws, there is not an exemption in place at the federal level.

NAIS is also not an effective control for BSE, or "Mad Cow Disease," even though NAIS affects live animals. BSE is believed to be caused by feeding infected animal material to cattle. So the key

to addressing it is prevention of this practice through a strong feed ban. The second key to addressing Mad Cow disease is testing all or a significant percentage of the animals that enter the

food supply, as is done in Japan and Europe. The USDA currently tests only about one out of every thousand slaughtered cattle and it has opposed increased testing, whether government or private.

The concept of tracking every movement of every livestock animal in massive databases may sound impressive, but it is not founded in sound science, economics, or practicality. USDA has not provided any studies showing why 48-hour traceback is "optimal" nor why 100% of animals must be included. The susceptibility of animals to disease and the likelihood of transmission differ greatly depending on the species of animal, the exact disease, and the conditions under which the animals are kept.

Therefore, it is obvious that a "one size fits all" solution cannot be based on science. USDA as yet has failed to complete a cost-benefit analysis, despite four years of implementing the voluntary program. Moreover, the experience of Australia, the only other country to implement mandatory electronic tracking of cattle so far, indicates that the databases are unwieldy and unworkable.

The General Accountability Office's 2005 report on agri-terrorism and livestock disease made it clear that parts of the U.S. animal health system needed improvement, but did not identify a need for increased tracking of live animals. No need has been demonstrated for NAIS.

A resolution passed by the North Dakota Republican party states: "We do not believe it is the role of the federal government to mandate or encourage producers to "sign up" their ranch or farm with a government program (premise registration/NAIS)" and further states that it "strongly supports individual property rights and therefore encourages individual livestock owners to make independent decisions about the identification of their livestock.

The Republican Party of North Dakota opposes any mandatory registration of premises and animal identification system, as it infringes on personal property rights and has no proven means of preventing any disease or the spread of any disease."

We agree with that resolution and now ask this committee and the North Dakota State Legislature to send a strong message to USDA and Congress regarding a National Animal Identification System. Please give your "do pass" recommendation on Senate Resolution 4019.

Thank you.





4019

Woody Buth 3/9/09 PO Box 2136 · 1415 12th Ave

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March 19, 2009

SCR 4019

Chairman Johnson and members of the House Agriculture Committee,

My name is Richard Schlosser; I am here representing North Dakota Farmers Union. I stand in favor of SCR 4019.

- North Dakota Farmers Union believes a vast array of issues have not been addressed in the discussion of developing a national animal identification system. These issues must be settled. Congress, the Administration and the industry must resolve the following concerns before further promulgation or implementation of a verifiable national animal identification program. The program must:
 - Have the least possible cost to producers;
 - Encourage full participation and shared responsibility throughout the industry:
 - Provide adequate liability protection firewalls including, but not limited to, an exemption from the Freedom of Information Act;
 - Be conducive to the collection of data that will be compatible with, and complementary to, the country of origin labeling (COOL) law;
 - Can release information only on confirmed cases of animal health problems and is necessary for an animal to be traced;
 - Establishes an educational component within the program to educate producers on animal identification; and
 - Provides for animal identification records to be maintained only by USDA, administered and maintained by state boards of animal health and not by private organizations

Thank you, Chairman Johnson. I will stand for any questions you may have.

Jeri Lynn Bakken (#3 3/19/09 4019

My name is Jeri Lynn Bakken and my husband and I ranch in Adams County. We have a son who is in 7th grade and a daughter in 5th grade. We raise small grains, cattle, sheep and our chicken flock provides eggs and a fun 4-H project for my kids a maic approximations department, the federal government whey ded exection than the rem We are aware of the importance of participating in animal health programs such as bangs vaccinating, we hot iron brand our cattle for traceback and participate in the Sheep is the same Scrapie program. We operate our ranch in a way that we think is best for the consumers. who will ultimately eat the animals we raise and want what is best for the environment, ... our neighbors and our community and are always looking for ways to improve animal husbandry. I will you most east out the read dimension on the aW to words rotate on head of commendersity analysis of the effices of the proposed rife on and community from an However, the federal NAIS program came as a slap in the face! We have been watching and researching the program since its inception and weighing the effects it will have on the our operation. And through this process, one thing is very clear USDA has created a complicated and unworkable system that is not practical for the farmers and ranchers of North Dakotach transsame, arrows he in the Lagran of time of salton on the gargest A and bee and home in contract the grade of the contract that the contract of the contra Now, up until recently, USDA has claimed the program is voluntary and weighing the burdens of the program as proposed, we are volunteering not to participate. That all much came to a screeching halt when USDA issued a memo in September requiring veterinarians to sign up animal owners premise with USDA when those livestock owners participate in an animal health program. So, the system is voluntary if you don't use proper animal husbandry practices? This is nothing short of coercion into a program that has not shown to work a record in agreed acress 2 (beneal) submiss or agreement errors in arms 1 SDA and our Year Agricultur, and Animal Health Department, that Never Disorant Now, since that original memo in September, USDA has issued proposed rules on the the state of t proposal that would require NAIS registration upon participating in animal health. There is programs and that comment period ended on Monday March 16. Ranchers like me are eagerly awaiting the analysis of those comments and the outcome of the rule. laderal imperous dress not acquare NAC or promise in a tempor to pion a peter across So, this is a very timely resolution for us in ND-working to ensure the program remains voluntary.

Despite, USDA's insistence that this is an animal trace back system, some in Congress are now claiming this is a "food safety" program. It is clear that this does nothing to prevent food-born illnesses that most often occur in the packing plant. The identification is removed at the point of slaughter or death of the animal, so there is no way to track the animal beyond the slaughter plant. If Congress is concerned about food safety, they should be spending this money to make real changes in the areas of food safety and

slaughter plant inspection. NAIS does not address the most immediate needs in the waker of BSE, Brucellosis, Bovine Tuberculosis and other animal disease to protect the U.S. food supply and does nothing to inform consumers or ensure that food born illnesses are prevented. NAIS does not address animal disease prevention. It is not sensitive to any specific disease transmission and instead only provides for tracking once a disease outbreak has been discovered. Furthermore, the program completely ignores the risks of foreign animal disease introduction.

Another concern we have is the cost of this program. After 5 years and nearly \$130 million taxpayer's dollars spent, there is still no accurate cost analysis to the federal government, producers and our state. Through cooperative agreements made with our state animal health department, the federal government provided over \$600,000 to our state to implement the NAIS program. However, there is no analysis available about the cost of NAIS down the road. Let's face the facts—our country is out of money. Is there any indication that funding for a mandatory program will be available to our state in the future? Furthermore, USDA is asking producers to participate in a program what we know nothing of the actual cost or labor costs. In the proposed rules published in the Federal Register states: "We do not currently have all the data necessary for a comprehensive analysis of the effects of this proposed rule on small entities." How am I expected to participate in a trace back program when I don't know the cost to my operation or my state's budget?

The thing that I do know, is that current animal health programs work in ND, the brand and back tagging system works for cattle trace back in Western states and the Scrapie tagging system is effective for sheep and goat tracking—and the costs are minimal. Why would we ever want to replace a practiced and proven system that is affordable with an unproven complicated system whose burdens, implementation and costs are completely unknown?

Don't allow the federal government to ride herd on state animal health programs and add undue burden to the livestock producers of North Dakota. Support SCR 4019 and please send a strong message to Senator Conrad, Senator Dorgan, Representative Pomeroy, USDA and our State Agriculture and Animal Health Departments that North Dakotans want-the National Animal ID Program to remain voluntary for everyone. Animal ID should not be tied to participation in animal health programs, participation in youth programs like 4-H and FFA and disconnect NAIS and premise registration from any existing state or private disease tracking or branding program and ensure that any state or federal program does not require NAIS or premise registration to participate in those programs.

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North Dakota

STOCKMEN'S ASSOCIATION

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e-mail: ndsa@ndstockmen.org www.ndstockmen.org 3/19/09 Julie Ellingson

4019

SCR 4019

The North Dakota Stockmen's Association's policy regarding the National Animal Identification System has many of the same components as SCR 4019, supporting a cost-effective means to conduct a 48-hour disease traceback that is voluntary and utilizes existing identification systems, such as the time-honored brand inspection and recording programs.

As the National Animal Identification System was initiated and has evolved, many different philosophies and approaches have been discussed about how to make it the most effective. The dialogue and the implementation process, however, has led to some confusion and many unanswered questions by producers. As a new administration takes over, more changes could result, so we support clarifying our priorities and concerns and that producers need to be actively involved in the development of this system if it grows or changes.

With that being said, folks should not fear participation in the NAIS. In North Dakota today, NAIS simply involves the very non-intrusive premises registration, which the Stockmen's Association, as the state-designated NAIS administrator, conducts in concert with the State Board of Animal Health. The information collected includes a producer's contact information, species raised and, in some cases, if a 911 address is not available, global positioning coordinates. There are no social security numbers, animal units or other private pieces of information logged. The information is used for animal disease

traceback purposes only, is held in confidence and is safeguarded under privacy protection statute this body enacted a few sessions ago. There is also a mechanism in place for those who change their mind about being registered to have their information unregistered in the system.

In summary, we believe there is value in a voluntary animal disease traceback system that helps protect the health of our domestic herd. We also believe in the value of producers' input in the development process and a take-it-slow-do-it-right-approach to implementation.



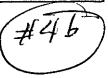
Animal ID Program

Premises Registration – Voluntary

Office Use Only Premises # **L** Account # ** Date Activated *** **Premises # **L** **Premises # **L**

Mary Goeres, Animal Identification Coordinator 407 South 2nd St. • Bismarck, ND 58504 701-223-2522 • Fax: 701-223-2587

animalid@ndstockmen.org www.ndstockmen.org



Premises or Business/Farm/Ranch Account Information

This is the contact information for your livestock business entity. This may be different than the location where the animals are kept. If you need additional premises numbers, please fill out a separate form available at the North Dakota Stockmen's Association office or online at www.ndstockmen.org.

	Township	Range	Section	
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rimary Contact	First Name	Middle Name		Last Name
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Please Note: If your primary species is cattle, horses or mules, please register your premises through the NDSA.

If, however, your primary species falls in one of the other categories listed above, please register with the:

ND Department of Agriculture • Board of Animal Health